

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

H.P. 1042 - L.D. 1416

**An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code**

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 10 MRSA §9721, sub-§§3 and 4** are enacted to read:

**3. Maine Uniform Building Code.** "Maine Uniform Building Code" means that portion of the Maine Uniform Building and Energy Code that does not contain energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph L.

**4. Maine Uniform Energy Code.** "Maine Uniform Energy Code" means that portion of the Maine Uniform Building and Energy Code that contains only energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph L.

**Sec. 2. 10 MRSA §9722, sub-§6, ¶¶J and K,** as enacted by PL 2007, c. 699, §6, are amended to read:

J. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that nontraditional or experimental construction, including but not limited to straw bale and earth berm construction, is permissible under the code; ~~and~~

K. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that building materials from local sawmills, including but not limited to nongraded lumber, are permissible under the code; ~~and~~

**Sec. 3. 10 MRSA §9722, sub-§6, ¶L** is enacted to read:

L. Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code.

**Sec. 4. 10 MRSA §9724, sub-§1,** as amended by PL 2009, c. 261, Pt. A, §7, is further amended to read:

**1. Limitations on home rule authority.** This chapter provides express limitations on municipal home rule authority. ~~Beginning December 1, 2010, the~~ The Maine Uniform

Building and Energy Code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has not adopted any building code by August 1, 2008. The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section 2373.

**Sec. 5. 10 MRSA §9724, sub-§1-A** is enacted to read:

**1-A. Municipalities up to 4,000 residents.** A municipality of up to 4,000 residents may not adopt or enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code. Notwithstanding any other provision of this chapter or Title 25, chapter 314, the provisions of the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code do not apply in a municipality that has 4,000 or fewer residents except to the extent the municipality has adopted that code pursuant to this subsection.

**Sec. 6. 25 MRSA §2373, first ¶**, as amended by PL 2009, c. 261, Pt. A, §12, is further amended to read:

~~Beginning December 1, 2010, the~~ The code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the code must be enforced in a municipality that has more than ~~2,000~~ 4,000 residents and that has not adopted any building code by August 1, 2008. The code must be enforced through inspections that comply with the code through any of the following means:

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor